

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

versus

CHALMER DETLING, II

Criminal Action No.:
1:18-CR-00309-LMM-LTW-1

RESPONSE TO GOVERNMENT'S MOTION IN LIMINE
TO EXCLUDE HEARSAY

COMES NOW, the Defendant, Chalmer Detling, II, and hereby responds to the government's motion seeking to preclude him precluding from eliciting testimony regarding his own statements made during a deposition conducted by the State Bar of Georgia. In response, Mr. Detling shows as follows:

(1)

The government moves to preclude Mr. Detling from eliciting testimony regarding his own statements made during a Georgia Bar deposition and argues that a defendant cannot attempt to introduce exculpatory statements without subjecting himself to cross-examination. (Doc. 113 at 1-2). Mr. Detling has no intention of admitting the entirety of his bar deposition testimony. However, depending on the evidence presented at trial, there may be valid non-hearsay purposes or hearsay exceptions that support the admission of a portion of his prior statements. Specifically, the government has moved to "admit statements made

and/or documents filed by and/or adopted by [him] in proceedings before State Bar of Georgia under Federal Rules of Evidence 801(d)(2)(A), 801(d)(2)(C), and 801(d)(2)(D)." (Doc. 110 at 1). If these statements are admitted at trial, additional statements made by Mr. Detling may be necessary to provide context and avoid confusing the jury. Mr. Detling preserves his right to elicit testimony regarding his prior statements for non-hearsay purposes or when supported by a valid hearsay exception.

Dated: This 24th day of August, 2021.

Respectfully Submitted,

/s/ Caitlyn Wade
Caitlyn Wade
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